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PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
PATENT EXAMINING OPERATION

Applicant(s): Bruce Marks

Serial No: 09/778,325

Group Art Unit:1774

Filed: February 7, 2001

Examiner: Lawrence D. Ferguson

Att. Docket No.: A1019/20268

Confirmation No.:4861

For: METALLIZABLE WHITE OPAQUE FILMS, METALLIZED FILMS MADE
THEREFROM AND LABELS MADE FROM THE METALLIZED FILMS**REQUEST FOR RECONSIDERATION under 37 CFR 1.111(a) (1)**Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Applicant respectfully requests reconsideration of the sole rejection set forth in the non-final Office Action of February 11, 2005. Specifically, applicant requests reconsideration of the rejection of claims 1, 3, 11, 12, 14, 17 and 28 - 33 "under 35 U.S.C. 103(a) as being unpatentable of Li et al. (U.S. 6,761,969)" because the Li et al. '969 patent is not an effective reference against this application.

The Li et al. '969 patent issued from Application Serial No. 10/225,007, which was filed on August 21, 2002. In distinction, the present application was filed on February 7, 2001, and claims the benefit of the February 8, 2000 filing date of Provisional Application No. 60/181,036. In other words, the effective filing date of the Li et al. '969 patent, which is the sole reference applied by the Examiner in rejecting the claims, has a filing date which is subsequent to both the

Application No. 09/778,325
Amendment Dated February 22, 2005
Reply to Office Action of February 11, 2005

utility filing date and provisional filing date of the instant application. Therefore, applicant submits that the present rejection must be withdrawn and that this application is now in condition for allowance.

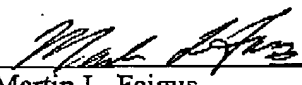
Applicant has neither considered nor addressed the substantive analysis set forth by the Examiner in rejecting the claims because the Li et al. '969 patent is not prior art against the instant application.

Respectfully submitted,

CAESAR, RIVISE, BERNSTEIN,
COHEN & POKOTILOW, LTD.

February 23, 2005

By


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Attorneys for Applicants

Please charge or credit our
Account No. 03-0075 as necessary
to effect entry and/or ensure
consideration of this submission.

FEB 23 2005

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FACSIMILE TRANSMITTAL SHEET

February 23, 2005

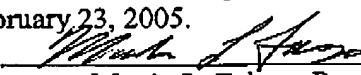
TO: Examiner Lawrence D. Ferguson
Grp. Art Unit: 1774
U.S. Patent and Trademark Office
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FACSIMILE TRANSMISSION CERTIFICATION

I hereby certify that this correspondence (including the attached Request for Reconsideration Under 37 CFR 1.111(a) (1)) regarding the application identified below, is being transmitted via facsimile to the United States Patent and Trademark Office on February 23, 2005.


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First Named Inventor: Bruce Marks

Serial No: 09/778,325

Group Art Unit: 1774

Filed: February 7, 2001

Examiner: Lawrence D. Ferguson

Att. Docket No.: A1019/20268

Confirmation No.: 4861

For: Metallizable White Opaque Films, Metallized Films made Therefrom and Labels ...